

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KAWALJEET K. TAGORE,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,
U.S. DEPARTMENT OF HOMELAND SECURITY;
FEDERAL PROTECTIVE SERVICE; U.S.
DEPARTMENT OF THE TREASURY; INTERNAL
REVENUE SERVICE; MICHAEL CHERTOFF,
Secretary of the U.S. Department of
Homeland Security; HENRY M. PAULSON, JR.,
Secretary of the Treasury; WILLIAM A.
CARMODY, III; DAVID HIEBERT; CHRISTINA
NAVARETE-WASSON; SERGIO ARELLANO;
JAMES K. ELLIS; NIEVES NARVAEZ; and DOES
1-25

Defendants.

Civil Case No.:4:09cv27

JURY TRIAL DEMANDED

**PLAINTIFF'S MOTION FOR LEAVE TO FILE BELATED RESPONSE TO
DEFENDANTS' MOTION FOR EXTENSION OF TIME TO ANSWER**

Plaintiff, Kawaljeet Kaur Tagore, files this Motion for Leave to File Belated Response to the Defendants' Motion for Extension of Time to Answer Plaintiff's Complaint and to Postpone May 1, 2009 Scheduling Conference and respectfully asserts as follows:

I. FACTS

1. On April 6, 2009, the federal defendants filed their Motion for Extension of Time to Answer or Otherwise Respond to Plaintiff's Complaint and to Postpone May 1, 2009 Scheduling Conference. *See* Dkt. 9 ("Motion for Extension").
2. Contemporaneously, the federal defendants filed an Unopposed Motion for Expedited Response to And Consideration of that motion. *See* Dkt. 10.
3. Although, under S.D. Tex. Local Rule 7, Plaintiff's response to the Motion for Extension would normally have been due on ***April 26, 2009*** (i.e. within 20 days of filing), Ms. Tagore—in an effort to accommodate the federal defendants—did not oppose their request that she file her response by April 15, 2009. *See* Dkt. 10.
4. Because Ms. Tagore's lead counsel has been preparing for an April 21, 2009 docket call and a May, 2009 trial in another federal court lawsuit in the Southern District of Texas (*Kimberley Owen v. Harris County, Texas*, 4:07cv3273 (J. Gilmore)), he was unable to file Plaintiff's response to the Motion for Extension on April 15, 2009 and, now, seeks leave to file that response on April 16, 2009.
5. On April 16, 2009, Plaintiff's lead counsel telephoned the federal defendants' lead counsel to ascertain whether the federal defendants would oppose Plaintiff's attempt to file her response to the Motion for Extension on April 16, 2009. Defendants' lead counsel has advised that the federal defendants "take no position" on the Plaintiff's request.

II. ARGUMENT

Plaintiff, Kawaljeet Kaur Tagore's, request for a 1 day extension of the deadline for her to respond to the defendants' Motion for Extension should be granted. Plaintiff's response—although one day past the April 15, 2009 response deadline—is still well within the 20 day deadline normally provided a respondent under the Local Rules of the Southern District of Texas. Moreover, the federal defendants' will have suffered no prejudice by such a *de minimis* extension of the response deadline.

For the foregoing reasons, Plaintiff, Kawaljeet Kaur Tagore, respectfully requests that this Court grant her Motion for Leave to File Belated Response to Defendants' Motion for Extension of Time to Answer Plaintiff's Complaint and to Postpone May 1, 2009 Scheduling Conference

Respectfully submitted,

/s/ Scott Newar

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CERTIFICATE OF CONFERENCE

I hereby certify that on April 16, 2009, I conferred with the federal defendants' lead counsel, Vesper Mei, about the instant motion. Ms. Mei has advised that the federal defendants "take no position" on this motion.

/s/ Scott Newar

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ATTORNEY-IN-CHARGE
FOR PLAINTIFF

CERTIFICATE OF FILING/SERVICE

I hereby certify that on April 16, 2009, I filed and served the instant pleading on the Defendants by electronic filing, in accordance with the Local Rules of the Southern District of Texas.

/s/ Scott Newar

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